

THE CHARTER

[HISTORY: Adopted by the Town of Colchester 11-8-1994; amended in its entirety 11-7-2006 and 11-7-2017. Subsequent amendments noted where applicable.]

ARTICLE I, General Provisions

§ C-101. Definitions.

In the interpretation of the Charter, the words and phrases set forth below shall be construed and defined as follows:

Appointed Official - an official of the Town appointed by the Board of Selectmen and serving at the pleasure of the Board of Selectmen, as permitted by the General Statutes or this Charter except as otherwise provided by law.

Appointed Board - a Town board, commission, committee, or study group composed of one or more Electors appointed by the Board of Selectmen.

Board of Education Budget - the projected expenditures of the Board of Education.

Board of Selectmen Budget - the projected expenditures of the Board of Selectmen, including capital and debt service.

Certified Petition - a petition certified by the Town Clerk and conforming to the requirements of this Charter and the General Statutes. The Town Clerk must grant or deny this certification within 10 business days following receipt of the last page of said petition. Should the Town Clerk fail to make such determination within the time allotted, said petition shall automatically be deemed certified.

Combined Budget - the combined projected expenditures of the Town, including the Board of Selectmen Budget and Board of Education Budget.

Department Head - the person or persons responsible for the management of each Town Department as well as the supervision of all Town Employees employed in such Town Department.

Elected Official - an Elector of the Town chosen by secret ballot by a plurality of the Electors of the Town voting for an elected position.

Elected Board - a Town board, commission, committee or study group composed of one or more Electors elected by secret ballot by a plurality of the Electors of the Town voting for an elected position.

Election - a regular election as defined in the General Statutes.

Elector - as defined in the General Statutes, any person possessing the qualifications prescribed by the state constitution and duly admitted to, and entitled to exercise, the privileges of an Elector of the Town.

General Statutes - the Connecticut General Statutes as now in effect or as they may from time to time be amended.

Member of an Appointed Board - an Elector of the Town appointed by the Board of Selectmen to membership or as an alternate on an Appointed Board, who shall serve at the pleasure of the Board of Selectmen and without compensation of any kind.

Municipal Election - an Election at which municipal Elected Officials of the Town are elected.

Public Hearing - except as otherwise provided in the General Statutes, an open gathering in which members of the public are permitted to offer comments, but officials are not obligated to act on or respond to said comments.

Town - the Town of Colchester.

Town Board - a board of the Town, having either elected members, appointed members, or any combination thereof.

Town Department - all departments, agencies, and other subdivisions of the Town, except those under the Board of Education and its subsidiary departments, regardless of whether composed of Town Employees, Appointed Officials or Elected Officials and regardless of whether now or hereafter existing under the terms of this Charter, the General Statutes, or any other mandate to which the Town is subject.

Town Employee - all individuals in all Town Departments who receive or are entitled to receive compensation from either the Town or any Town Department, but excluding Elected Officials and employees of the Board of Education.

Town Meeting - a special town meeting, annual budget meeting or annual meeting as described in the General Statutes.

Town Ordinance - a law passed by the Town of Colchester that regulates actions within the Town.

Town Voters - Electors and other persons eligible to vote at any Town Meeting other than a regular or special Town Election, in accordance with the provisions of Section 7-6 of the General Statutes.

§ C-102. Rights and Obligations.

Upon adoption of this Charter, the Town shall continue to own and remain vested in all property, both real and personal, all rights of action and rights of every description and all securities and liens, whether inchoate or choate which the Town owned or had rights in prior to the adoption of this Charter. Nothing herein shall be construed to affect the rights of the Town to collect any assessment, charge, debt or lien. The Town shall remain liable for all debts and obligations of every kind for which the Town is liable on the date of adoption of this Charter, whether accrued or undetermined. If any contract has been entered into by the Town prior to the adoption of this Charter, or any bond or undertaking has been given by or in

favor of the Town, which contains provisions that the same may be enforced by any office or agency which is herein abolished or otherwise affected, such contracts, bonds or undertakings shall continue in full force and effect and, except as otherwise provided in this Charter, shall be exercised and discharged by the Board of Selectmen.

§ C-103. General Powers of the Town.

- A. All the inhabitants dwelling within the territorial limits of the Town, as previously constituted, shall continue to be a body politic and corporate under the name "Town of Colchester," and as such shall have perpetual succession and may hold and exercise all powers and privileges that have been exercised by the Town and are not inconsistent with the provisions of this Charter. In addition, the Town shall have such additional powers and privileges as conferred by the General Statutes.
- B. Upon adoption of this Charter, the Town shall retain all powers and privileges that it possesses immediately prior to such adoption, and shall have such additional powers and privileges granted to the Town by the General Statutes not inconsistent with this Charter. The Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted. The Town shall also have the power to make and enforce all bylaws and Town Ordinances, not inconsistent with law or this Charter, which may be necessary or proper to carry into execution the foregoing powers. The enumeration of particular powers anywhere in this Charter shall not be construed as limiting this general grant of power to the Town but shall be considered as additional thereto. In the event of a total or partial conflict, whether apparent or actual, between this Charter and any Town Ordinance or bylaw, the provisions of this Charter shall govern and shall be enforced, regardless of said Town Ordinance or bylaw.

§ C-104. Construction.

The powers and privileges of the Town under this Charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power herein granted.

ARTICLE II, Elected Officials and Elected Boards

§ C-201. Elected Officials.

The Town shall have the following Elected Officials:

- A. First Selectman.

- B. {Reserved}
- C. {Reserved}
- D. {Reserved}
- E. Registrars of Voters

§ C-202. Elected Boards.

The Town shall have the following Elected Boards, whose members shall be elected as provided in the General Statutes and this Charter:

- A. a five (5) member Board of Selectmen, one member of which shall be the First Selectman;
- B. a six (6) member Board of Finance;
- C. a seven (7) member Board of Education; and
- D. a three (3) member Board of Assessment Appeals.

§ C-203. Eligibility for Election of Elected Officials and Members of Elected Boards.

- A. Any Elector of the Town is eligible for election as an Elected Official or member of an Elected Board, provided:
 - (1) no Elector shall simultaneously hold more than one elected position; and
 - (2) no Elector shall simultaneously hold an elected position and an appointed position, whether as a Member of an Appointed Board or as an Appointed Official.
- B. If any Elected Official or member of an Elected Board shall cease to be an Elector of the Town or otherwise become ineligible to hold such position, then such official or member shall immediately cease to hold such office or to be such a member and such office or membership shall immediately be deemed vacant.
- C. Notwithstanding any provision of this Charter to the contrary, holding the position of Justice of the Peace shall not make a person ineligible for election as an Elected Official or a member of an Elected Board.
- D. This Section C-203 does not, and shall not be construed to, prohibit political activity of classified municipal employees that is permitted pursuant to Section 7-421 of the General Statutes.

§ C-204. Succession Provisions in the event of an opening on an Elected Board (Except as provided in Section 303).

In the event of a vacancy on an Elected Board, the remaining members of the Elected Board within 60 days of the start of such vacancy, shall appoint by majority vote a Successor Member (the “Successor Member”) to membership on that board. The Successor Member shall be a member of the same political party as the prior member, or if the prior member was not affiliated with any political party, then such Successor Member shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior member has changed political parties or has become unaffiliated subsequent to being elected, then the Successor Member shall be a member of the prior member’s political party (or unaffiliated, if applicable) at the time such prior member was elected. The Successor Member shall hold such membership until the next Municipal Election at which time a successor shall be elected to serve the remainder of the unexpired term of the prior member if applicable.

ARTICLE III, The First Selectman

§ C-301. Manner of Election and Term of Office.

The First Selectman shall be elected by a plurality of the votes cast by the Electors of the Town for this office at a Municipal Election. Beginning with the Municipal Election on November 5, 2019, The First Selectman shall serve a four (4) year term of office.

§ C-302. Powers and Duties of the First Selectman.

- A. The First Selectman shall be the Chief Executive Officer of the Town and shall be a full voting and participating member of the Board of Selectmen. The First Selectman shall also be a nonvoting ex-officio member of all Town Departments and Town Boards, except the Board of Education. The First Selectman shall exercise such additional powers and have such additional duties as are set forth in the General Statutes and in this Charter.
- B. The First Selectman shall be responsible to the townspeople and the Board of Selectman for the administration of Town government. The First Selectman shall be responsible for the direction and supervision of activities of all Town Departments, except the Board of Education, and all Appointed Boards, except as otherwise provided in the General Statutes. All Appointed Officials, Appointed Boards and Town Employees shall report to the First Selectman, but the First Selectman may delegate such oversight authority to any Appointed Official or Town Employee as is deemed necessary for the sound administration of Town government.
- C. The First Selectman may, with the approval of the Board of Selectmen and subject to such other limitations contained in the General Statutes and this Charter, enter into contracts or agreements on behalf of the Town with the exception of Board of Education contracts executed by the Town as owner of real property used for school purposes.
- D. The First Selectman shall ensure that all laws and ordinances governing the Town are faithfully executed and shall make periodic reports to the Board of Selectmen on the conditions and affairs of

the Town. The First Selectman, with the assistance of all Town Department Heads, shall keep the Board of Selectmen fully apprised of the financial condition and administrative soundness of the Town and Town Departments.

- E. The First Selectman may appoint and remove members of regional and inter-local agencies and programs as authorized by Town Ordinances adopted pursuant to the applicable provisions of the General Statutes or this Charter. Nothing in this Charter shall be construed as limiting the authority of the Town, by action of the Board of Selectmen, to continue such participation or join new regional and inter-local agencies and programs, as authorized by the General Statutes.
- F. During the temporary absence of any Appointed Official or Department Head, the First Selectman either may perform or may appoint a designee to perform temporarily the duties of such Appointed Official or Department Head.

§ C-303. Succession Provisions.

- A. Prior to any planned temporary absence or planned temporary period of incapacity of the First Selectman, such that the First Selectman shall be unable to perform his or her duties as required, the First Selectman shall designate one of the other members of the Board of Selectmen to assume the duties of the First Selectman for the duration of such period.
- B. In the event of an unplanned temporary absence or unplanned temporary period of incapacity of the First Selectman, such that the First Selectman shall be unable to perform his or her duties as required, the remaining members of the Board of Selectmen shall, with all deliberate speed, designate one of its members to assume the duties of the First Selectman for the duration of such period.
- C. In the event of a vacancy in the office of First Selectman, the remaining members of the Board of Selectmen shall, with all deliberate speed, select one of its members to assume the position of First Selectman for the unexpired term (the "Successor First Selectman"), which Successor First Selectman shall be a member of the same political party as the prior First Selectman or, if the prior First Selectman was not affiliated with any political party, then such Successor First Selectman shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior First Selectman has changed political parties or has become unaffiliated subsequent to being elected, then the Successor First Selectman shall be a member of the prior First Selectman's political party (or unaffiliated, if applicable) at the time such prior First Selectman was elected. If none of the members of the Board of Selectmen is able to assume the role of the Successor First Selectman in accordance with the provisions of this Section C-303(C), then the Board of Selectmen shall select an Elector to assume the role of the Successor First Selectman to serve until the next Municipal Election.

ARTICLE IV, The Board of Selectmen

§ C-401. Manner of Election and Term of Office.

The four (4) other members of the Board of Selectmen shall be elected at a Municipal Election held on the first Tuesday after the first Monday in November. These four (4) members shall be the four highest vote getters from among those seeking such office, subject to the requirements of minority political representation as required by this Charter and by the General Statutes. No member of the Board of Selectmen, other than the First Selectman, shall receive a salary. Beginning with the November 5, 2019 Municipal Election, the members of the Board of Selectmen shall serve four (4) year terms of office.

§ C-402. Powers and Duties of the Board of Selectmen.

- A. The Board of Selectmen shall exercise such powers and have such duties as are set forth in the General Statutes and in this Charter. Except where otherwise specified herein, the members of the Board of Selectmen shall act only in the presence of a quorum; and any action of the Board of Selectmen shall require a majority vote by such quorum.
- B. The Board of Selectmen shall approve all contracts to which the Town or any subdivision thereof is a party and all other agreements which bind the Town or any subdivision thereof in any way. The Board of Selectmen may not delegate this contractual authority.
- C. The Board of Selectmen shall administer all personnel policies concerning Town Employees and shall be responsible for the administration of all agreements, contracts and understandings regarding Town Employees, including labor contracts, benefit plans, and hiring policies. The appointment and dismissal of all Town Employees shall be administered by the Board of Selectmen, but the Board of Selectmen may delegate such authority as is deemed necessary for the sound administration of Town government.
- D. The Board of Selectmen may recommend to the Town Meeting the creation or abolition by ordinance of boards, commissions, committees, agencies, departments and offices not specifically authorized in this Charter.
- E. The Board of Selectmen, acting in its sole discretion, may appoint such temporary boards, commissions, committees or study groups as it may from time to time determine are necessary. For purposes of this section, only boards, commissions, committees and study groups which are reasonably expected to remain active for one year or less shall be considered temporary.
- F. The Board of Selectmen may approve contracts for services and the use of facilities with the United States Government or any agency or instrumentality thereof, the State of Connecticut or any political subdivision, agency or instrumentality thereof, or may, approve agreements to join with any political subdivisions to provide services and facilities in accordance with the applicable provisions of the General Statutes.
- G. The Board of Selectmen shall appoint all Members of Town Appointed Boards and may remove any such member.
- H. Except as otherwise provided in the General Statutes, The Board of Selectmen shall oversee the internal operations of all Town Departments and Town Appointed Boards and any office which the Board of Selectmen fills by appointment. The Board of Selectmen may name one or more of its members to serve along with the First Selectman as a nonvoting ex-officio member of any

Appointed Board.

- I. As required by Article 1110 and 1111, the Board of Selectmen may recommend to the Board of Finance the approval of the following matters concerning the Board of Selectmen's budget (subject to further approval by the Town Meeting, if so required):
 - (1) a n y supplemental appropriation of funds (Article 1111); and
 - (2) a n y transfer of funds between Town Departments (Article 1110).
- J. The Board of Selectmen may accept any road complying with planning and zoning regulations as a municipal road, provided that prior to such acceptance:
 - (1) t h e Town Engineer has certified to the Board of Selectmen that such road meets all applicable specifications and requirements; and
 - (2) t h e Board of Selectmen shall hold a Public Hearing prior to such acceptance at which public comments are heard.
- K. In no event shall the Board of Selectmen delegate its policymaking authority.
- L. The Board of Selectmen shall be the Water Pollution Control Authority for the Town.

§ C-403. Limited Power to Adopt Town Ordinances.

- A. The Board of Selectmen shall have the power to enact, amend and repeal Town Ordinances only for the following purposes:
 - (1) t o incorporate any nationally recognized code, rules or regulations, which have been published or any code officially adopted by any administrative agency of the State of Connecticut, or any portion thereof, provided upon adoption of any such code, rules or regulations, copies of such shall be maintained and made available to the public in the office of the Town Clerk or in the office of the Town Department directly responsible for enforcing such code, rules or regulations and in the public library; and
 - (2) t o set and adjust the charges to be made for services rendered by the Town and to set and adjust the charges for any violation of an existing Town Ordinance for which a penalty is provided.
- B. No Town Ordinance shall be acted upon by the Board of Selectmen pursuant to this section until a Public Hearing concerning such ordinance shall have been held by the Board of Selectmen. Notice of such Public Hearing shall be given at least ten (10) days in advance by publication of a legal notice in a newspaper having a general circulation in the Town and by posting a notice in the office of the Town Clerk. Copies of any such proposed ordinance shall be available to the public in the office of the Town Clerk at least ten (10) days prior to the date set for the Public Hearing. If substantive changes, as determined by Town counsel, are made to the proposed ordinance after the Public

Hearing, a second Public Hearing shall be held prior to final action by the Board of Selectmen.

- C. Within one (1) business day of its approval by the Board of Selectmen, every Town Ordinance adopted pursuant to the provisions of this section shall be filed with the Town Clerk, who shall record, compile, and publish the Town Ordinance as required by the General Statutes. Within ten (10) days of receipt of such adopted Town Ordinance, the Town Clerk shall also cause to be published a summary of the Town Ordinance in a newspaper having a general circulation in the Town and shall keep a copy of the full text of the Town Ordinance on file for public inspection.
- D. Every Town Ordinance adopted pursuant to the provisions of this section shall become effective no earlier than thirty-one (31) days after publication of its approval unless the terms of a Town Ordinance provide a different effective date.
- E. Notwithstanding any other provision of this Charter, the Board of Selectmen shall have the power to enact emergency Town Ordinances during any period of a public emergency threatening the lives, health or property of persons in the Town. The Board of Selectmen shall use the best means available to inform the public of the emergency Town Ordinance and the facts concerning the public emergency to which it relates. Any emergency Town Ordinance, or amendment thereto, enacted pursuant to this subsection shall become effective immediately and shall be effective for a period of thirty-one (31) days unless sooner repealed by the Board of Selectmen. If within the thirty-one (31) days action has been initiated to convene either a Town Meeting or a Public Hearing to make such emergency Town Ordinance permanent or to otherwise extend its validity, then such emergency Town Ordinance shall remain in effect until such Town Meeting or Public Hearing is held.

§ C-404. {Reserved}

§ C-405. Limited Power of Investigation.

The Board of Selectmen shall, upon the affirmative vote of at least four of its members, have the power to investigate any and all Town Departments, Elected Officials, Appointed Officials, Elected Boards and Appointed Boards for such purposes as they shall deem necessary. The Board of Selectmen shall have the power to call and to subpoena witnesses to testify and to furnish documentation on any matter under investigation. Town counsel shall be present when any witness so called appears before the Board of Selectmen. Any witness so called shall have the right to be accompanied by counsel during such testimony.

ARTICLE V, Other Elected Officials

§ C-501. {Reserved}

§ C-502. {Reserved}

§ C-503. {Reserved}

ARTICLE VI, Other Elected Boards

§ C-601. The Board of Finance.

- A. The Town shall have a six (6) member Board of Finance as constituted at the time this Charter shall take effect.
- B. Beginning with the November 5, 2019 Municipal Election, Board of Finance members will be elected to a four (4) year term.
- C. The Board of Finance shall be responsible for presenting to the Town Voters the budgets for all Town Departments and the Combined Budget and shall have all of the powers and perform all of the duties conferred or imposed upon Boards of Finance by the General Statutes.
 - (1) The Board of Finance shall have the authority to approve supplemental appropriations from, and transfers within, the Board of Selectmen Budget as recommended by the Board of Selectmen, subject to the further approval of the Town Meeting, if so required.
 - (2) Prior to the Annual Budget Meeting, the Board of Finance shall hold at least two Public Hearings for the purpose of presenting the Combined Budget to interested Town Voters for their comments and suggestions.
 - (3) The Board of Finance shall establish the mill rate, as set forth in the General Statutes.
- D. {Reserved}

§ C-602. The Board of Education.

- A. The Town shall have a seven-member Board of Education, as constituted at the time this Charter shall take effect.
- B. Beginning with the Municipal Election held on the first Tuesday after the first Monday of November 1995, members of the Board of Education shall be elected in accordance with Chapter 46, Education, Board of, of the Code of the Town of Colchester, subject to the requirements of minority political representation as required by this Charter and by the

General Statutes. Members of the Board of Education shall serve a four (4) year term of office.

- C. (1) The Board of Education shall be responsible for maintaining all public elementary and secondary schools in the Town, shall implement the educational interests of the State, as defined in the General Statutes, and shall continue to have all of the powers and perform all of the duties conferred or imposed upon boards of education by the General Statutes.
- (2) Prior to the Annual Budget Meeting, the Board of Education shall participate in at least two Public Hearings held by the Board of Finance for the purpose of presenting the Board of Education Budget to the Town Voters.
- D. {Reserved}

§ C-603. The Board of Assessment Appeals.

- A. The Town shall have a three-member Board of Assessment Appeals as constituted at the time this Charter shall take effect.
- B. Beginning with the Municipal Election held on November 5, 2019, three members of the Board of Assessment Appeals shall be elected by a plurality of the votes cast for such office for a term of four (4) years. The members shall be the three (3) highest vote getters from among those seeking such office, subject to the requirements of minority political representation as required by this Charter and by the General Statutes.
- C. The Board of Assessment Appeals shall be responsible for hearing all appeals of property assessments in the Town and have such other powers and duties as set forth in the General Statutes.
- D. {Reserved}

ARTICLE VII, Appointed Officials and Appointed Boards

§ C-701. Appointed Officials.

The Board of Selectmen shall appoint the following Appointed Officials and such other Appointed Officials as required by the General Statutes:

- A. Assessor
- B. Tax Collector
- C. Town Clerk, and
- D. Treasurer, provided that the statutory duties of a “town treasurer” may be incorporated into the duties of a Chief Financial Officer or other Appointed Official, Department Head or Town Employee.

The Board of Selectmen may appoint any other Appointed Officials as permitted by the General Statutes or this Charter.

§ C-702. Appointed Boards

The Town shall have Appointed Boards as created pursuant to this Charter or required by the General Statutes; all of whose members shall be appointed as provided in this Charter.

§ C-703. Eligibility and Appointment of Appointed Officials.

Eligibility for appointment of Appointed Officials shall be governed, where applicable, by the General Statutes and/or the standards adopted by the Board of Selectmen. All Appointed Officials shall be appointed by the Board of Selectmen pursuant to procedures as adopted by the Board of Selectmen or permitted or required by the General Statutes.

§ C-704. Removal of Appointed Officials.

Appointed Officials shall be removed by the Board of Selectmen. If a removal procedure for a particular Appointed Official is not provided for in the General Statutes, then the Board of Selectmen may remove for any reason any Appointed Official, provided that such Appointed Official be notified in writing of the grounds for removal and given an opportunity to appear before the Board of Selectmen to respond to the grounds identified. If such Appointed Official desires such a meeting, such Appointed Official shall so notify the Board of Selectmen in writing within seven (7) days after notification of the grounds for removal. Such meeting shall be public only if such Appointed Official so requests. Such meeting shall be held no less than seven nor more than thirty (30) days after notification of the grounds for removal. The decision of the Board of Selectmen shall be final. The date of notification of the grounds for removal shall be deemed to be the date of delivery if delivered by hand and two (2) days after the postmark if delivered by mail.

§ C-705. Eligibility and Appointment of Members of Appointed Boards.

- A. All Members of Appointed Boards shall be appointed by the Board of Selectmen pursuant to procedures adopted by the Board of Selectmen. Only Electors of the Town who do not hold an elected position within Town government are eligible for appointment as a Member of an Appointed Board. If any Member of an Appointed Board shall cease to be an Elector of the Town or otherwise become ineligible to hold such position, then that Member shall immediately cease to hold such membership and that position shall immediately be deemed vacant. Appointment of replacement members will follow minority representation statutes.
- B. Notwithstanding any provision of this Charter to the contrary, holding the position of Justice of the Peace or Registrar of Voters shall not make a person ineligible for appointment to an Appointed Board hereunder.

§ C-706. Removal of Members of Appointed Boards.

- A. Except as otherwise provided in this Charter or in the General Statutes, the Board of Selectmen may remove for cause any Member of an Appointed Board, provided that such Member be notified in writing of the grounds for removal and given an opportunity for a hearing before the Board of Selectmen. If such member or alternate desires such a hearing, such Member shall so notify the Board of Selectmen in writing within seven (7) days after notification of the grounds for removal. Such hearing shall be public only if such member or alternate so requests. Such hearing shall be held no less than seven (7) nor more than thirty (30) days after notification of the grounds for removal. The decision of the Board of Selectmen shall be final. The date of notification of the grounds for removal shall be deemed to be the date of delivery if delivered by hand and two (2) days after the postmark if delivered by mail.
- B. From the date of notification of the grounds for removal until final action by the Board of Selectmen, such member or alternate shall be ineligible to perform the duties of office.
- C. For purposes of this provision, grounds for removal may include, but are not limited to: (i) unjustified absence from a significant number of the regularly scheduled and/or special meetings of a given board; (ii) unjustified absence from three (3) consecutive regularly-scheduled meetings and/or intervening special meetings of a given board; and (iii) violation of the Town's Code of Ethics. The Board of Selectmen shall determine whether any absence is justifiable.

§ C-707. Appointment of Alternates to Appointed Boards.

Should the General Statutes, this Charter or any Town Ordinance require the appointment of one or more alternates to an Appointed Board, the Board of Selectmen shall make such appointments. Should a Member of an Appointed Board for which alternates have been designated be absent or disqualified, the chair of such Appointed Board shall designate one such alternate to act in place of such Member. Should the Board of Selectmen appoint two or more alternates to a single Appointed Board, the chair of such Appointed Board shall choose alternates in rotation so as to allow alternates to act as nearly an equal number of times as possible.

ARTICLE VIII, RESERVED

ARTICLE IX, RESERVED

ARTICLE X, The Town Meeting and the Annual Budget Meeting

§ C-1001. The Town Meeting.

- A. The Town Meeting shall be the legislative body of the Town. The Town Meeting shall be called to authorize those actions of the Town hereinafter enumerated below and in subsequent sections of this Charter and such additional actions as may be required (subject to express overrule by a special referendum, as hereinafter defined).
- B. Notwithstanding any other provision of this Charter, the Board of Selectmen shall call a Town Meeting for consideration of the following actions:
 - (1) adopting or repealing any Town Ordinance, except those Town Ordinances subject to adoption by the sole act of the Board of Selectmen as designated by this Charter;
 - (2) approving the creation, consolidation or abolition of any permanent Town Board, whether elected or appointed, for which this Charter does not make provision;
 - (3) approving the creation or abolition of any position for an Elected Official for which this Charter does not make provision;
 - (4) as required, approving matters or proposals that are described in Sections 1107a-1108a, 1111a-1112a of this Charter; and
 - (5) such other matters or proposals as the Board of Selectmen, in its discretion, shall deem to be of sufficient importance to warrant a special Town Meeting.
- C. In addition, the Board of Selectmen shall convene a Town Meeting for any proper, lawful, non-frivolous purpose upon the receipt by the Board of Selectmen of a Certified Petition requesting such meeting signed by at least three percent (3.0%) of the total Electors of the Town within sixty (60) days prior to its presentation to the Town Clerk. The Board of Selectmen shall convene said Town Meeting no less than twenty (20) and no more than ninety (90) days after the date on which the petition requesting such meeting is received by the Board of Selectmen.

§ C-1002. {Reserved}

§ C-1003. Procedure.

All Town Meetings shall be called in accordance with the General Statutes by resolution of the Board of Selectmen fixing the time and place of said meeting. Notice of said meeting shall be given in accordance with the General Statutes and by posting a notice in an exterior place near the office of the Town Clerk. The first item of business at such meeting shall be the election of a moderator from among those in attendance; the First Selectman shall preside over such meeting until the moderator is so chosen. All Town Meetings may be recessed and reconvened at a later date and/or a different location upon the passage of a proper motion to do so.

ARTICLE XI, Special Referenda and Special Budget Referenda

§ C-1101. {Reserved}

§ C-1102. Special Referenda.

- A. Any action taken at any Town Meeting may be subject to review by a special referendum. The Board of Selectmen shall call such a special referendum if, within thirty (30) days from the date of the Town Meeting at which the contested action was taken, the Board of Selectmen receives a Certified Petition requesting a special referendum signed by at least five percent (5.0%) of the total electors of the Town. The Board of Selectmen shall call said special referendum no less than five (5) and no more than twenty (20) days after the date on which the petition is certified in accordance with this Charter.
- B. The only question(s) which shall be presented at such special referendum shall be whether to ratify or overrule the action(s) of that particular Town Meeting. All questions so presented shall be phrased such that a vote of "Yes" shall indicate approval of the action(s) of the Town Meeting and a vote of "No" shall indicate disapproval of the action(s) of the Town Meeting.
- C. Any action taken at any Town Meeting that is approved at the Annual Budget Referendum or a special referendum shall be considered conclusively approved, and no further Town Meetings or special referenda regarding the specific action may be called.

§ C-1103. Special Budget Referenda.

As described in Sections 1109a & 1111a of this Charter, the Board of Selectmen shall call a "special budget referendum" for approval of certain matters or proposals. The Board of Selectmen shall not be required to hold a Town Meeting prior to special budget referenda.

§ C-1104. Recount of Special Referenda and Special Budget Referenda.

Recounts of the votes cast at special referenda and special budget referenda shall be pursuant to provisions in

any applicable General Statutes. During the pendency of such recount, the Town shall not take any action in reliance upon the outcome of the initial vote count.

ARTICLE 1105, Annual Budget Meeting

§ C-1105a. Annual Budget Meeting.

- A. The Board of Selectmen shall convene a special Town Meeting (the “Annual Budget Meeting”) for the purpose of considering the annual Combined Budget at such hour and at such place as the Board of Selectmen may determine or as the General Statutes may require. The Town’s Chief Financial Officer, or his or her designee, as well as at least two representatives from each of the Boards of Education, Selectmen (one being the First Selectman, or his or her designee in extenuating circumstances) and Finance, shall be present at the Annual Budget Meeting and shall be available to respond to questions of the Town Voters.
- B. At the Annual Budget Meeting, the members of the Boards of Selectmen and Education shall, with respect to their respective budgets:
 - (1) provide their proposed budget to the Town Voters;
 - (2) have available for review by the Town Voters a summary of each department’s proposed budget with a comparison to the amount budgeted in the current fiscal year;
 - (3) if feasible, have available for review by the Town Voters a summary of each department’s proposed budget and the amount estimated to be actually expended in the current fiscal year.
- C. At the Annual Budget Meeting, the Town Voters in attendance may reduce, but not increase, the Board of Selectmen Budget and/or the Board of Education Budget upon the passage of a proper motion(s) (as hereafter defined). A proper motion shall:
 - (1) stipulate a specific dollar amount for reduction;
 - (2) stipulate the budget to which such reduction shall be charged (either the Board of Selectmen or the Board of Education budget);
 - (3) in the case of the Board of Selectmen Budget, the specific department’s budget to be reduced must be stipulated. Reductions may not be made to the capital expenditures or debt service line items of the budget.
 - (4) in the case of the Board of Education Budget, only the bottom line may be reduced.
- D. If the Board of Selectmen’s Budget excluding capital expenditures and debt service, or the Board of Education Budget differs from that first presented by an amount equal to or in excess of one percent (1.0%), the Annual Budget Meeting shall be continued to a second meeting held no less than two business days following the first meeting. At this second meeting, the proper motion(s)

shall again be introduced to and acted upon by the Town Voters in attendance. Should the proper motion(s) pass at this second meeting, the proper motion(s) shall become effective and shall be incorporated into the proposed Combined Budget.

- E. The Annual Budget Meeting shall be automatically continued to the Annual Budget Referendum, at which the budgets of the Board of Selectmen and the Board of Education as recommended by the Annual Budget Meeting, shall be presented to the Town Voters for final approval or disapproval.

ARTICLE 1106, The Annual Budget Referendum

§ C-1106a. The Annual Budget Referendum

The Annual Budget Referendum shall be held on such date as determined by the Annual Budget Meeting. A minimum of two questions shall appear on the ballot for the Annual Budget Referendum. The first question shall require a vote of “Yes” or “No” on whether to approve the Board of Selectmen Budget (Including debt service and capital expenditure budgets) as recommended by the Annual Budget Meeting. The second question shall require a vote of “Yes” or “No” on whether to approve the Board of Education Budget as recommended by the Annual Budget Meeting. The Board of Finance may, at its discretion, also direct that an advisory question appear on the ballot for either or both budgets. Such advisory question(s) shall require a response of either “Too High” or “Too Low” to describe the proposed level of spending.

Any action taken at the Annual Budget Meeting that is approved at the Annual Budget Referendum shall be considered conclusively approved, and no further Town Meetings or referenda regarding the specific action may be called.

§ C-1106b Recount of Annual Budget Referendum

Recounts of the votes cast at the Annual Budget Referendum shall be pursuant to any applicable provisions in the General Statutes.

ARTICLE 1107, Real Estate Purchases, Sales and Transfers

§ C-1107a. Real Estate Purchases, Sales and Transfers.

- A. Notwithstanding any other provision of this Charter, the Board of Selectmen shall call a Town Meeting for consideration of the following actions:
 - (1) approving real property purchases by the Town not previously budgeted for by the Town , for which the consideration given is an amount equal to or in excess of two percent (2.0%) of the Board of Selectmen Budget, excluding debt service and capital expenditures;
 - (2) approving the sale or other transfer of real property by the Town for which the appraised value of the real property that is the subject of such transaction is an amount equal to or in excess of 2.0% of the Board of Selectmen Budget, excluding debt service and capital expenditures.
- B. If the thresholds outlined above are not met such that a Town Meeting is required, the Board of Finance has the authority to approve real estate purchases and transfers following recommendation by the Board of Selectmen.

ARTICLE 1108, Leases

§ C-1108a. Leases.

- A. Notwithstanding any other provision of this Charter, the Board of Selectmen shall call a Town Meeting for consideration of approving the execution by the Town, whether as lessor or lessee, of any capital lease option with a non-appropriation clause not previously budgeted for by the Town which obligates the Town for a period of one year or more and commits the Town to either make or receive lease payments for capital equipment with a purchase price that is an amount equal to or in excess of two percent (2.0%) of the Board of Selectmen Budget excluding debt service and capital expenditures.
- B. If the thresholds outlined above are not met such that a Town Meeting is required, the Board of Finance has the authority to approve leases following recommendation by the Board of Selectmen.

ARTICLE 1109, Bonds

§ C-1109a. Bonds.

- A. The Board of Selectmen shall call a special budget referendum to consider the approval of the issuance of all bonds. No such referendum shall be called unless the Board of Finance has recommended such bond issue. Refunding of an existing bond issue does not require a special budget referendum.

ARTICLE 1110, Budget Transfers

§ C-1110a. Budget Transfers.

- A. The First Selectman may authorize transfers of funds between Town departments required to handle immediate matters of public safety such as fire, weather emergencies, or similar events. The First Selectman shall notify the Board of Finance and Selectmen at their next regular meetings.
- C. The First Selectman and Chief Financial Officer shall approve all transfers from salary or benefit line items within a Town Department budget.
- D. Following recommendation by the Board of Selectmen, the Board of Finance has the authority to approve the transfer of funds between previously adopted Town Department budgets.

ARTICLE 1111, Supplemental Appropriations

§ C-1111a. Supplemental Appropriations.

- A. The First Selectman may authorize supplemental appropriations required to handle matters of immediate public safety such as fire, weather emergencies, respective or similar events. The First Selectman shall notify Boards of Finance and Selectmen at their next regular meetings.
- B. The Board of Finance has the authority to approve supplemental appropriations in an amount that is less than two percent (2.0%) of the budget to which the supplemental appropriation is being made (either the Board of Selectmen Budget, excluding debt service and capital expenditures, or the Board of Education Budget).
- C. The Board of Selectmen shall call a Town Meeting to consider the approval of any supplemental appropriation in an amount that is equal to or exceeds two percent (2.0%) and less than three percent (3.0%) of the budget to which the supplemental appropriation is being made (either the Board of Selectmen Budget, excluding debt service and capital expenditures, or the Board of Education Budget). No such Town Meeting shall be called unless the Board of Finance has recommended such supplemental appropriation. This requirement does not pertain to appropriations of grant monies or matching funds received by the Town.
- D. The Board of Selectmen shall call a Special Budget Referendum for approval of any supplemental appropriation for any Town Department in an amount that is equal to or exceeds three percent (3.0%) of the budget to which the transfer is being made (either the Board of Selectmen Budget, excluding debt service and capital expenditures, or the Board of Education Budget). No such referendum shall be called unless the Board of Finance recommends such supplemental appropriation. The requirement does not pertain to appropriations of grant monies or matching funds received by the Town.

ARTICLE 1112, Grant Programs

§ C-1112a. Grant Programs.

- A. Notwithstanding any other provision of this Charter, the Board of Selectmen shall call a Town Meeting to approve the submission of an application for, or the actual participation in, any federal, state, local or private grant program which requires or could require a contribution by the Town in an amount that is equal to or in excess of three percent (3.0%) of the Board of Selectmen Budget, excluding debt service and capital expenditures, over the lifetime of the project (excluding monies received from outside grant sources and matching funds). Programs for which the Board of Education properly makes such application are excluded from the requirements of this section.
- B. Regarding the distribution of funds (grant awards and matching funds) from outside sources for grant projects, the procedures for budget transfers and appropriations outlined in Sections 1110a and 1111a of this Charter are not required.
- C. Regarding the distribution of funds for approved grant projects, the procedures for budget transfers and appropriations outlined in Sections 1110a and 1111a of this Charter are not required. If a supplemental appropriation or transfer of funds is required to cover expenditures in excess of the previously approved amount, the procedures outlined in Sections 1110a and 1111a of this Charter are to be followed.

ARTICLE XII, Town Departments and Administration

§ C-1201. Town Departments

The Town shall have the following Town Departments and such other Town Departments as may exist at the time or the adoption of this Charter or that may be created pursuant to the provisions of this Charter or the General Statutes:

- A. A Department of Finance;
- B. A Department of Public Works;
- C. A Department of Planning and Zoning;
- D. A Department of Public Health;
- E. A Department of Recreation;
- F. A Department of Code Administration;
- G. A Department of Engineering;

- H. Cragin Town Library
- I. A Department of Senior Services; and
- J. A Department of Youth and Social Services

§ C-1202. {Reserved}

§ C-1203. {Reserved}

§ C-1204. {Reserved}

§ C-1205. {Reserved}

§ C-1206. {Reserved}

§ C-1207. {Reserved}

§ C-1208. {Reserved}

ARTICLE XIII, Town Employees and Appointed Officials

§ C-1301. Town Employees and Appointed Officials.

The appointment and dismissal of all Town Employees shall be made by the Board of Selectmen, but the Board of Selectmen may delegate such authority as is deemed necessary for the sound administration of Town government. All appointments shall be made on the basis of merit and after examination of qualifications. The Board of Selectmen shall neither appoint nor dismiss Town Employees associated with fire protection services except as recommended by the Fire Chief. Before the appointment or dismissal of any Town Employee, the Board of Selectmen shall consult with the board, department or individual to whom the services of such employee are to be or have been rendered.

ARTICLE XIV, Mandatory Periodic Charter Review

§ C-1401. Charter Review Commission.

- A. Not less than once each ten (10) years, the Board of Selectmen shall appoint a temporary charter review commission (the “Charter Review Commission”). The Charter Review Commission shall review all provisions of the Charter and Town Ordinances then in effect and as the Charter Review Commission deems necessary, shall meet with relevant Department Heads and members of government, and shall solicit citizens’ comments on the effectiveness of this Charter and Town

Ordinances and the need, if any, to amend, modify or repeal sections of this Charter or any Town Ordinance. Within a time period as set by the Board of Selectmen, the members of the Charter Review Commission shall recommend to the Board of Selectmen either to maintain the Charter and Town Ordinances then in effect or to amend, modify or repeal certain sections of this Charter or any Town Ordinance. Should the Charter Review Commission recommend revisions, the Board of Selectmen may, in accordance with the General Statutes, appoint a charter revision commission to draft the revised Charter and/or Town Ordinances and coordinate the approval and adoption process.

- B. This Charter may be amended at any time upon petition of the Electors, as more fully described in the General Statutes.

ARTICLE XV, Miscellaneous Provisions

§ C-1501. Consolidation.

Without further action, and unless otherwise specifically provided in this Charter, the Town shall succeed to all rights, titles, estate and privileges of the former Borough of Colchester. In no event shall any provision of this Charter be construed in any way to change, modify, repeal, amend or otherwise affect the consolidation of the Borough and the Town of Colchester as one and the same body politic and corporate under the name “Town of Colchester,” as approved at a duly called election on November 7, 1989 and as effective on July 1, 1990.

§ C-1502. Existing Laws and Ordinances

All general laws applicable to the Town shall continue in full force and effect except as they are inconsistent with the provisions of this Charter.

§ C-1503. Commencement of Terms of Elected Officials.

The terms of all Elected Officials shall commence on the second Monday following the date of the applicable Municipal Election. All Elected Officials shall hold office until either their successors are elected and qualified or they resign from such office.

§ C-1504. Minority Political Representation.

All Appointed Boards and Elected Boards shall have minority political representation in accordance with the General Statutes, except that the minority political representation may be larger than that required by statute if specifically provided in the Charter or by any bylaw or Town Ordinance.

§ C-1505. Appointment of Justices of the Peace.

The major political parties, as defined in the General Statutes, shall each be entitled to nominate no more than Forty (40) individuals to serve as Justices of the Peace for the Town.

§ C-1506. {Reserved}

§ C-1507. Transfer of Power.

All commissions, boards, departments and offices which are either abolished or modified by this Charter, or any amendment thereto, shall continue to hold their respective duties and powers until such time as provision shall have been made for either the transfer or the modification of these duties and powers in accordance with the terms of this Charter or any amendment thereto. All members of Appointed and Elected Boards whose positions are either abolished or modified by this Charter, or any amendment thereto, shall continue to hold their respective duties and powers until such time as provision shall have been made for either the transfer or modification of these duties and powers in accordance with the terms of this Charter or any amendment thereto.

§ C-1508. Continuation of Appropriations and Town Funds.

All appropriations approved and in force, and all funds, including special and reserve funds, shall remain in full force and effect unless and until the same shall be amended, transferred or abolished in accordance with the terms of this Charter.

§ C-1509. Legal Proceedings.

No action or proceeding, civil or criminal, pending on the effective date of this Charter brought by or against the Town or any commission, board, department or office thereof, shall be affected or abated by the adoption of this Charter or by any provision of this Charter.

§ C-1510. Savings Clause.

If either any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall affect neither the remainder of this Charter nor the context in which the section so held invalid may appear.

§ C-1511. Effective Date.

The Charter that was effective as of July 1, 1995 shall remain in full force and effect. Any amendments thereto shall be effective on the effective date provided therein.